

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ADAM AVERY,)	8:07CV268
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STATE of NEBRASKA,)	
)	
Defendant.)	

Adam Avery has submitted a document entitled "Petition for Postconviction Relief." That document has been filed (filing 1). The petition appears to be one for habeas corpus relief from a state court judgment in a criminal case, pursuant to 28 U.S.C. § 2254, as it names the State of Nebraska as a defendant and refers to state statutes regarding questioning of witnesses. The petition is not in proper form, and is so vague that the court cannot review it.

I will direct the Clerk of the United States District Court for the District of Nebraska to mail to the plaintiff a blank copy of the form used for submission of § 2254 habeas petitions. I will direct the plaintiff to either submit a new petition on the form provided by the Clerk, or advise the court that he is seeking relief from a federal court conviction, on or before August 31, 2007. If the plaintiff advises the court that he is seeking relief from a federal court conviction, an order will be entered directing the Clerk to mail him a copy of the form used for such petitions.

The plaintiff has also submitted an application for leave to proceed in forma pauperis and a prisoner account statement. The court will not rule on the application until August 31, 2007 or the plaintiff's compliance with this order, whichever is earlier.

IT IS ORDERED:

1. The Clerk of the Court shall mail to the plaintiff a blank copy of the form used for submission of § 2254 habeas petitions.
2. On or before August 31, 2007, the plaintiff shall file with the court either (a) a new petition for relief on the form supplied by the Clerk of the Court or (b) a statement that he is seeking relief from a federal court conviction rather than a state court conviction, together with a request for the form used for petitioning for relief from a federal court conviction pursuant to 28 U.S.C. § 2255.
3. This action will be dismissed without further notice in the event of noncompliance with this order.
4. The Clerk of the Court is directed to make a CM/ECF entry indicating that the motion for leave to proceed in forma pauperis shall be ripe for decision on August 31, 2007 (or upon the earlier filing by the plaintiff of a document responsive to the order in paragraph 2 above)

July 17, 2007

BY THE COURT:

s/Richard G. Kopf
United States District Judge